THE LEGISLATIVE ASSEMBLY OF
BRITISH COLUMBIA

Select Standing Committee on Children and Youth Report

May 2008

Library and Archives Canada Cataloguing in Publication Data

British Columbia. Legislative Assembly. Select Standing Committee on Children and Youth.
Select Standing Committee on Children and Youth report

At head of title: The Legislative Assembly of British Columbia.
"Report covers the work of the committee from July 5, 2006 to February 11, 2007."--Coving letter.
Submitted to Legislative Assembly of British Columbia.
Cf. Covering letter.
ISBN 978-0-7726-5992-7

1. British Columbia. Representative for Children and Youth. 2. British Columbia. Ministry of Children and Family Development. 3. Child welfare - Government policy - British Columbia. 4. Foster home care - British Columbia - Evaluation. 5. Child abuse - Investigation - British Columbia. I. Title.

HV745.B7B74 2008 353.53609711 C2008-960097-5

Office of the Clerk of Committees

SELECT STANDING COMMITTEE ON CHILDREN AND YOUTH

Location:
Room 224, Parliament Buildings
Victoria, British Columbia
V8V 1X4

Telephone: **(250) 356-2933**

Toll free at: **1-877-428-8337**

Fax: **(250) 356-8172**

Email: **ClerkComm@leg.bc.ca**

Internet Homepage:
This report and others are available at our Internet homepage which also contains further information about this and other Select Standing and Special Committees: **www.leg.bc.ca/cmt**

May 7, 2008

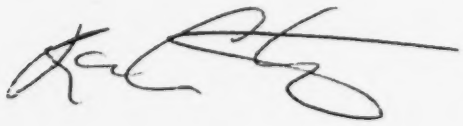
To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Report of the Select Standing Committee on Children and Youth.

The Report covers the work of the Committee from July 5, 2006 to February 12, 2008.

Respectfully submitted on behalf of the Committee,



Ron Cantelon, MLA
Chair

TABLE OF CONTENTS

Composition of the Committee (as of May 7, 2008) i

Terms of Reference ii

The Work of the Committee iii

Parliamentary Oversight of Child Welfare in British Columbia 1

Briefings 3

- B.C. Children and Youth Review Recommendations 3
- Representative for Children and Youth 3
- Ministry of Children and Family Development 4

Office of the Representative for Children and Youth: *2007/08-2009/10 Service Plan* 6

Child Death and Critical Injury Referrals 8

Reports Reviewed 10

- *Joint Special Report* 10
- *2007 Progress Report on the Implementation of the Hughes Review Recommendations* 14

Summary of Committee Recommendations and Decisions 16

Selected Documents Distributed 17

COMPOSITION OF THE COMMITTEE (AS OF MAY 7, 2008)

Ron Cantelon, MLA	Chair	Nanaimo-Parksville
Nicholas Simons, MLA	Deputy Chair	Powell River-Sunshine Coast
Bill Bennett, MLA		East Kootenay
Jagrup Brar, MLA		Surrey-Panorama Ridge
Maurine Karagianis, MLA		Esquimalt-Metchosin
Leonard Krog, MLA		Nanaimo
Dennis MacKay, MLA		Bulkley Valley-Stikine
Mary Polak, MLA		Langley
Valerie Roddick, MLA		Delta South
John Rustad, MLA		Prince George-Omineca

CLERKS TO THE COMMITTEE

Kate Ryan-Lloyd, Clerk Assistant and Committee Clerk

Craig James, Clerk Assistant and Clerk of Committees

COMMITTEE RESEARCHERS

Jonathan Fershau, Research Analyst

Erin Bett, Committee Researcher (to December 2007)

Wynne MacAlpine, Research Analyst (to April 2007)

TERMS OF REFERENCE

On May 18, 2006 and March 1, 2007 the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be appointed to be empowered to foster greater awareness and understanding among legislators and the public of the B.C. child welfare system, and in particular to:

1. Be the committee that receives and reviews the annual service plan from the Representative for Children and Youth (the "Representative") that includes a statement of goals and identifies specific objectives and performance measures that will be required to exercise the powers and perform the functions and duties of the Representative during the fiscal year;
2. Be the committee to which the Representative reports, at least annually;
3. Refer to the Representative for investigation the critical injury or death of a child; and
4. Receive and consider all reports and plans delivered by the Representative (if any during the time period of these terms of reference) to the Speaker of the Legislative Assembly of British Columbia.

In addition to the powers previously conferred upon Select Standing Committees of the House, the Select Standing Committee on Children and Youth be empowered:

a. to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;

b. to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;

c. to adjourn from place to place as may be convenient; and

d. to retain personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

THE WORK OF THE COMMITTEE

The all-party Select Standing Committee on Children and Youth (the Committee) held ten meetings during the second and third sessions of the 38th Parliament.

The first meeting of the Committee was held on July 5, 2006. At that meeting, Gordon Hogg, MLA was elected Chair and Leonard Krog, MLA was elected Deputy Chair. On August 15, 2006, the Committee was informed by Mr. Hogg of his appointment as the Minister of State for ActNow BC. Subsequently, the Committee elected Katherine Whittred, MLA as Chair on October 24, 2006. Ms. Whittred served as Chair until her appointment as Deputy Speaker resulted in her resignation from the Committee on November 7, 2007. On November 21, 2007, Ron Cantelon, MLA was elected as Chair.

At the December 11, 2007 meeting, the Committee resolved that a sub-committee comprising the Chair, Deputy Chair, Dennis MacKay, MLA, and Maurine Karagianis, MLA be struck to review cases of historic child deaths and critical injuries brought to the Committee by the Representative.

The main activities of the Committee during the period of this report were:

- orientation briefings by witnesses on issues pertaining to child welfare,
- consideration of the Office of the Representative for Children and Youth's annual service plan,
- referrals to the Representative for Children and Youth for investigation of the critical injury or death of a child, and
- consideration of reports prepared by the Representative for Children and Youth.

A summary of each activity is provided in the body of this report, following an introductory section outlining the new parliamentary oversight arrangements for child welfare in B.C..

SCHEDULE OF MEETINGS

July 5, 2006	Organizational meeting, briefing	Victoria
October 24, 2006	Business meeting	Victoria
March 6, 2007	Organizational meeting, briefing	Victoria
April 26, 20007	Referral of child deaths	Victoria
June 14, 2007	Tabling of report	Victoria
June 28, 2007	Briefing	Victoria
September 4, 2007	Briefing	Victoria
November 21, 2007	Business meeting	Victoria
November 26, 2007	Tabling of service plan; tabling of report	Victoria
December 11, 2007	Referral of child deaths	Vancouver

Copies of the Representative for Children and Youth's reports are available at: http://www.rcybc.ca/content/home.asp. Minutes and transcripts of the committee meetings and committee reports are available on the Legislative Assembly's website at: http://www.leg.bc.ca/cmt/.

PARLIAMENTARY OVERSIGHT OF CHILD WELFARE IN BRITISH COLUMBIA

> *I believe that the establishment of this standing committee will help Members of the Legislative Assembly to understand that their relationship with the Representative should be a collaborative one. It should also help to develop a greater awareness and understanding among legislators and the public of the child welfare system in our province. It is my fervent hope that it will encourage Government and the Opposition to work together to address some of the very real challenges facing the child welfare system now and in the near future.* (Hon Ted Hughes, *BC Children and Youth Review).*

In April 2006, Hon. Ted Hughes released his report into British Columbia's child protection system.[1] The wide-ranging and independent report includes recommendations to improve:

- monitoring and publicly reporting of the government's performance in protecting and providing services for children and youth in British Columbia,
- advocacy supports for children and youth,
- the system for the review of child deaths, including how reviews are internally addressed, and
- the public reporting of child death reviews to ensure that it balances the need for public accountability with the privacy interests of the families and others involved.[2]

The Hughes report also contained eight recommendations outlining a plan for parliamentary oversight — including the creation of the position of the Representative for Children and Youth and the appointment of the Select Standing Committee on Children and Youth.

The government quickly enacted the legislation to create the position of the Representative for Children and Youth. In creating this position, the government followed the recommendations of the Hughes report and granted the Representative with the dual mandate to:

- enhance advocacy opportunities to foster improvements to B.C.'s system of services for children, youth and their families; and
- provide for the independent review and investigation of deaths and critical injuries that may occur within the child welfare system;

The Representative for Children and Youth is an independent officer of the Legislature. Independent officers hold special responsibilities and privileges within the parliamentary system, including having the power to inquire, investigate and make recommendations on topics under their statutory authority.

Under the *Representative for Children and Youth Act*, the Representative, Ms. Mary Ellen Turpel-Lafond, has the authority to conduct audits and reviews of government services and programs under the *Child, Family and Community Services Act* and the *Youth Justice Act*, including mental health and addiction services for children, as well as designated services such as foster care, guardianship, child protection, and adoption services.

---

[1] Hon. Ted Hughes, (2006), BC Children and Youth Review, (Victoria: Submitted to the Minister of Children and Family Development).
[2] Ibid, (Letter of Transmittal).

The Representative is also responsible for developing advocacy services to ensure that the interests and rights of British Columbia's young and vulnerable population are respected and protected.

The all-party parliamentary committee's relationship with the Representative is described both within the *Representative for Children and Youth Act*, as well as by the Committee's terms of reference. The Committee's powers and responsibilities are focused on the areas of oversight of the Representative's service plan, reviews of the Representative's reports tabled with the Speaker of the Legislative Assembly, and from time to time, specific referrals of child death or critical injury reviews.

BRIEFINGS

A general responsibility of the Select Standing Committee on Children and Youth is to "foster greater awareness and understanding among legislators and the public of the B.C. child welfare system." To this end, the Committee has held three briefings sessions to learn more about the recommendations of the *B.C. Children and Youth Review*, the planned activities of the Office of the Representative for Youth, as well as the operations of the Ministry of Children and Family Development with respect to children in care.

B.C. CHILDREN AND YOUTH REVIEW RECOMMENDATIONS

On July 5, 2006, the Committee received a briefing from Maureen Nicholls, the executive director of the *B.C. Children and Youth Review*. The purpose of the briefing was to provide the Committee with a synopsis of the key recommendations contained within the *B.C. Children and Youth Review* prepared by Hon. Ted Hughes, particularly concerning the anticipated role of the Select Standing Committee on Children and Youth.

SUMMARY OF PRESENTATION

Ms. Nicholls' presentation began by providing a brief review of British Columbia's child protection system from 1995 to 2005 and the research methodology used by Mr. Hughes in carrying out his work.

With respect to the Hughes report's recommendations, Ms. Nicholls distilled the 62 recommendations into six key themes:

- the need for a new statutory officer responsible for external oversight of child welfare in B.C.,
- the responsibilities of the new parliamentary committee,
- the role of the aboriginal community in child welfare,
- recommendations on quality assurance and accountability for services administered by the Ministry of Children and Families,
- communication strategies and the coordination of information, and
- next steps for implementation of the 62 recommendations in the Hughes Review.

COMMITTEE INQUIRY

Arising from Ms. Nicholls's summary of the *B.C. Children and Youth Review*, committee members raised several topics for discussion. As this was the first-ever meeting of the Committee, Members asked the witness to clarify the responsibilities of both the parliamentary committee and proposed Representative for Children and Youth envisioned by Mr. Hughes. Other questions raised by Members included the criteria the Representative should use when considering an investigation of child deaths and the potential for expanding the services under review by the Representative.

REPRESENTATIVE FOR CHILDREN AND YOUTH

On March 6, 2007, the Committee met with the newly-appointed Representative for Children and Youth, Mary Ellen Turpel-Lafond, to hear her plans for oversight of the child welfare system in British Columbia.

Summary of Presentation

The Representative for Children and Youth's first appearance before the Committee was to provide committee members with a progress report on the creation of her new independent office of the Legislature. In addition, the Representative provided Members with an overview of how she envisioned her role in monitoring services provided to children and youth in line with the recommendations in the Hughes report.

The Representative informed the Committee that the process of developing a new, fully functioning independent office was being implemented in three phases. In Phase 1 — to be completed by April 1, 2007 — the Representative placed an emphasis on designing a suitable organizational structure; undertaking the recruitment of staff; securing suitable office space in Victoria, Vancouver, and Prince George; and drafting a strategic plan focusing on the evaluation of key services delivered to vulnerable children and youth. In addition, the Representative stressed the importance of developing privacy and records management protocols, developing a corporate brand and communications profile, and establishing deliverables and work plans for advocacy services.

In Phase 2 (April 1 to July 2007), the Representative indicated that the advocacy and the monitoring of child deaths and critical injuries functions of the Office would become operational. Recruitment of key staff to serve on multi-disciplinary research teams would continue. Commencement of the monitoring function would occur after negotiations with the Attorney General's office. The Office would also seek to develop agreements with the Ministry of Children and Family Development and other government ministries and agencies over the sharing of key information.

In Phase 3, (tentatively to March 2008), the Representative expressed an interest in preparing a report on the establishment of the Office, as well as developing strategic plans highlighting planned investigations and reports to be conducted by the Office.

In the second part of the presentation, the Representative provided an overview of her philosophy for assessing the services provided to vulnerable children and their families. The Representative indicated a clear preference for the government to develop a comprehensive plan for coordinating and linking services. She stressed that the identification of key objectives would lead to better monitoring and ultimately, better service delivery. Her role is to take a long-term view of the effectiveness of B.C.'s child welfare system and outcomes for youth in care, and highlight both what is, and is not, working with respect to integration of services and information sharing across ministries

Committee Inquiry

Arising from the Representative's briefing, committee members raised several issues including: the planned distribution of staff to the regional offices; budget allocation for start-up costs; and the development of information-sharing protocols between her Office and various ministries.

The Committee also requested that the Representative provide additional clarification on her statutory authority and breadth of examination powers; the Representative's powers vis-à-vis federal programs; and the potential development and evaluation of performance measures specifically for Aboriginal children in care.

Ministry of Children and Family Development

On September 4, 2007, witnesses from the Ministry of Children and Family Development (MCFD) appeared before the Committee to provide a briefing and to answer Members' questions.

Summary of MCFD Presentation

The deputy minister began her presentation to the Committee by explaining the core services delivered by the ministry, which include: early childhood development and child care services for children and youth with special needs; family development; child protection; residential and foster care; adoption of children and youth permanently in care; community child and youth mental health; youth services; community youth justice services; and specialized provincial services.

The deputy minister then informed the Committee that the ministry has drafted the Good Practice Action Plan, which outlines the ministry's transformation between mid-2007 and the end of 2008. The Committee heard that the action plan outlines objectives and goals for the regionalization of child and youth service delivery and is intended to go beyond the Hughes recommendations. In addition, the deputy minister confirmed that the ministry will regularly report back to the public and government on its progress on the draft plan.

Turning to the area of Aboriginal governance, the deputy minister discussed the ministry's increased commitment over the last 18 months to ensuring a stronger Aboriginal voice in the planning of Aboriginal authorities, and in designing and delivering services. The Committee heard that there are now two regions, Vancouver Island and the Fraser Valley, with interim Aboriginal authorities and that a third should be set up within the next few months.

The deputy minister informed the Committee that enabling legislation for the authorities will be brought forward in the spring, allowing them to move from interim positions into full authorities. She also explained that the ministry is moving to a continuum of service delivery, with a focus on prevention and early intervention. She noted, however, that the current federal funding formula produces inequity between ministry service delivery to non-Aboriginal peoples and to Aboriginal peoples on reserve, and that the ministry is working to address this situation.

The deputy minister then discussed the MCFD's regionalization plan, explaining that the ministry's goal had been for non-Aboriginal service delivery to follow the transformation of Aboriginal service delivery towards the creation of regional authorities. However, the Committee heard that the Ministry has decided not to develop non-Aboriginal regional authorities at present.

Next, the ministry's regional executive directors highlighted the importance of community engagement. The Committee heard that a key component of engagement will be the creation of 'hubs of services': services from the ministry and other providers will be clustered to make them more accessible to clients, as opposed to only delivering ministry services from government offices.

Finally, representatives of the Ministry of Children and Family Development discussed two aspects of reorganization that are taking place. First, to facilitate a stronger connection between actual community needs and the services designed to meet those needs, five regional executive directors now sit as full members at the provincial leadership table. Second, the witnesses elaborated upon the need for 'bottom-up planning,' explaining that the MCFD is currently working with 14 communities in the province's northeast region to enhance service delivery.

Committee Inquiry

After hearing from ministry witnesses, the Committee inquiry focused on three topics: engaging communities in the service planning process; timelines for the ministry's re-organization; and ministry recruitment and retention challenges. Members also questioned the witnesses on performance measures for contracted community-based service delivery organizations and strategies for improving school readiness.

OFFICE OF THE REPRESENTATIVE FOR CHILDREN AND YOUTH: 2007/08-2009/10 SERVICE PLAN

On November 26, 2007 the Representative for Children and Youth presented her Office's *Service Plan for 2007/08-2009/10* to the Committee. As outlined in Section 17 of the *Representative for Children and Youth Act*, the Office is required to prepare each year, starting in the 2008/09 fiscal year, a service plan that includes a statement of goals and identifies specific objectives and performance measures required to exercise the powers and perform the functions and duties of the Representative.

With respect to the oversight of the Representative's service plan, the Committee is charged with receiving and reviewing the Representative's three-year plans to ensure that the plans clearly outline the Office's organizational goals and performance targets. However, like all other statutory officers in British Columbia, a different all-party parliamentary committee is ultimately responsible for reviewing and recommending a budget required to implement the service plan.

SUMMARY OF SERVICE PLAN

The Representative informed the Committee that given the short timeframe of her term in office, it was appropriate to move up the publication of the service plan to 2007/08. She announced that in 2008/09, the Office would provide a revised and updated service plan for outlining the key goals and objectives for the remainder of her term in office.

The Representative's *Service Plan for 2007/08-2009/10* outlines her Office's four key areas of responsibilities:

- advocacy services for vulnerable children and youth and their families;
- reviewing and investigating critical injuries and deaths of children receiving reviewable government services;
- monitoring designated services for children and youth; and
- conducting evidence-based research and assessment to make recommendations to strengthen the delivery of child and youth services.

The Deputy Representative for Advocacy, Community and Aboriginal Relations reported that the Office has received close to 1,000 calls to its main advocacy office in Vancouver. A number of advocacy activities have been focused in the northern region of the province, and information-sharing is being done with 45 communities, including many rural and remote communities. The Deputy Representative also reported that he plans to develop direct advocacy policies and materials to engage immigrant communities in the southern region of the province.

Next, the Deputy Representative for Critical Injuries and Deaths and for Monitoring informed the Committee that information-sharing protocols have been put in place with the Ministry of Children and Family Development and that, while there have been some challenges, the relationship is now developing smoothly. The Committee heard that a multidisciplinary team is now functioning and will be reviewing investigations.

The Committee then heard that the Representative had been in contact with the Ministry of Children and Family Development and the Ministry of Education regarding her report on the

educational outcomes of children in care, discussed by the Committee at the June 14 and 28, 2007 meetings, and that she will continue to monitor the recommendations put forward in the report.

The Committee also learned that the Representative is planning a number of potential projects, including:

- an audit of special needs resources;
- monitoring and review of children placed with relatives;
- a review of dispute resolution processes in the Ministry of Children and Family Development and its delegated agencies, in collaboration with the Ombudsman; and
- a joint special report with the Provincial Health Officer on the experiences of youth in government care, or in the care of relatives, involved with the justice system.

Finally, the Representative explained her goals, as outlined in the service plan, to the Committee. These goals are that:

- vulnerable children and youth have their rights and interests protected and upheld, and their voices heard and considered;
- the work of the Office supports improved results for vulnerable children and youth; and
- the Office delivers its mandate in a child-centred, open, collaborative, accountable and responsive way.

Committee Review

The Committee identified four key themes for review, including: the availability of outreach and advocacy services for refugee and immigrant communities; the division of responsibilities between the Representative's office and other government bodies; the effectiveness of performance measures for child welfare; and the adequacy of resources provide to the Representative's office.

Members also asked questions on several additional topics, including: the need for legislative amendments to the *Representative for Children and Youth Act*; policy recommendations for ensuring the implementation of the UN Declaration on the Rights of the Child; the expected baseline target for advocacy services within the Representative's office; methods of information distribution on services for children and youth; the goals and objectives of the Ministry of Children and Family Development's Children's Plan; the Representative's role in the Children's Forum; and whether the Representative was planning to undertake a comparative analysis of research on child welfare from other jurisdictions.

Committee Recommendation

- **November 26, 2007: The Committee approved the *2007/08-2009/10 Service Plan* of the Office of the Representative for Children and Youth, and recommends the same to the Legislative Assembly.**

CHILD DEATH AND CRITICAL INJURY REFERRALS

A second component of the Committee's mandate is to refer to the Representative specific cases of child death or critical injury for the Representative for review. Part 3 of the *Representative for Children and Youth Act* outlines the functions of the Office of the Representative for Children and Youth. These responsibilities include the duty to "review, investigate and report on the critical injuries and deaths of children." Part 4 of the *Act* outlines the process by which the Representative is to conduct such reviews and investigations. Part 4 also stipulates that the authority to conduct a review or investigation is ultimately vested with the Representative.

However, the Representative expressed to the Committee a particular concern that her ability to conduct investigations into cases under investigation or the subject of proceedings such as a coroner's inquest may be hindered, due to a lack of retroactive or retrospective application of sections 11 and 12 of the *Act*. Specifically, the Representative identified cases of child deaths in which an intervening coroner's inquest was scheduled to occur during the period in which the Act received Royal Assent (May 18, 2006) and the date in which sections 11 and 12 were proclaimed into force (June 1, 2007) in which an intervening proceeding took place. This period of time is referred to as the transition period.

Both sections 12(2) of the *Act* and the Committee's Terms of Reference grant the Select Standing Committee on Children and Youth the power to refer to the Representative for investigation any critical injury or death of child without limitation. On two occasions, the Committee met with officials from the Office of the Representative for Children and Youth to discuss possible case referrals to the Representative. Given the sensitive nature of the discussions, both meetings were held *in camera*.

On April 26, 2007, the Committee met with the Representative for Children and Youth to discuss the referral of four historic cases of child deaths and one case of a critical injury of child that occurred during the transition period for the Representative to review. The Committee concurred with the Representative's preliminary assessment that each of the four cases of child death may highlight systemic challenges within the child welfare system.

Also discussed at the April 26, 2007 meeting was whether to refer another case related to the critical injury of a child to the Representative for review. The Committee deferred referring this case to the Representative out of concerns for protecting the child's right to privacy, as well as the propriety of referring to the Representative a case that was the subject of an on-going police investigation. Upon further consideration, the Committee referred to the Representative this critical injury case to the Representative for on-going monitoring and future review on June 14, 2007.

On December 11, 2007, the Committee again met with the Representative to discuss an additional eight cases for referral for future review. Three of the cases were brought to the Representative by the Chief Coroner pursuant to the recommendations made in the *B.C. Children and Youth Review*. The remaining five cases are incidents of child deaths that occurred during the transition period. It was the Representative's opinion that these cases may raise important issues concerning service delivery, systemic barriers to service and the need for greater prevention services available for children and youth.

While the Committee has been granted the authority to refer to the Representative for investigation the critical injury or death of a child, Members believe that the primary responsibility for identifying and investigating these cases should rest with the Representative. It is the intention of the Committee to use its powers to refer specific cases to the Representative rarely. The Committee

believes strongly that for the Representative to do her job effectively, she must have complete independence and discretion to investigate cases. However, the Committee will use its power to ensure that specific, tragic cases of child deaths or critical injury that occurred during the transition period preceding the creation of the Representative's office are properly investigated.

The Representative's office has access to the pertinent case information, the capacity to organize and facilitate consultation with case stakeholders and prepare either specific cases reports, or reports on broader issues within the child welfare system. In cases which warrant investigation, the Representative will have the power to launch an investigation of her own volition.

COMMITTEE DECISIONS

- **April 26, 2007: Pursuant to its Terms of Reference, the Select Standing Committee on Children and Youth referred to the Representative for investigation the death of children in the following cases: Amanda Simpson, death occurred 1999, Savannah Hall, death occurred 2001, Rowen Von Niederhausern, death occurred 2002 and Case #4.**
- **June 14, 2007: Pursuant to its Terms of Reference, the Select Standing Committee on Children and Youth referred to the Representative for investigation the critical injury of the child known as Baby Cody.**
- **December 11, 2007: Pursuant to its Terms of Reference, the Select Standing Committee on Children and Youth referred to the Representative for Children and Youth for investigation the deaths of children in the following eight cases: H.L., T.S., J.T., G.S., S.J., I.T., D.C. and B.F.**

REPORTS REVIEWED

The Select Standing Committee on Children and Youth's Terms of Reference stipulate that the Committee must receive and consider all reports and plans delivered by the Representative for Children and Youth to the Speaker of the Legislative Assembly. During the Third Session, the Representative tabled with the Speaker two special reports as defined by section 20 of the *Representative for Children and Youth Act*:

- *Joint Special Report – Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes,* and
- *2007 Progress Report on Implementation of the Hughes Review Recommendations.*

JOINT SPECIAL REPORT

The Committee met on both June 14 and June 28, 2007 to review the *Joint Special Report – Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes.* Authored by the Representative for Children and Youth and the Provincial Health Officer, the *Joint Special Report* is the second in a series of reports prepared by the Provincial Health Officer and an oversight officer responsible for the child welfare in British Columbia.

JUNE 14, 2007

On June 14, 2007, the Committee met with the Representative for Children and Youth and the Provincial Health Officer to discuss their *Joint Special Report – Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes.*

The authors explained that the purpose of the *Joint Special Report* was to link existing administrative databases of government ministries in order to track the educational experiences and outcomes of children in the province's care, and to provide benchmarks against which progress can be measured.

The report highlights a number of key findings in the areas of school readiness, school completion, the experience of Aboriginal children in care, and children in care with special needs. Many of these findings indicate that children in care are not achieving the same educational outcomes as children who have never been in care.

The report contained nine recommendations for improving the educational outcomes of children in care. Stemming from the authors' presentation, Members raised the following topics pertaining opportunities for aboriginal participation and success in the education system; the usefulness of the FSA given the low participation rate of children in care; current education and financial supports for children leaving care; and issues concerning the identification of Aboriginal students and students with special needs.

JUNE 28, 2007

Subsequent to the presentation by the authors of the *Joint Special Report*, the Committee convened on June 28, 2007, to hear the government's response. The Committee heard from senior representatives from the Ministry of Children and Family Development (MCFD), the Ministry of Health (MoH), the Ministry of Education (MoE), the Ministry of Advanced Education (MAVED) and the Ministry of Employment and Income Assistance (MEIA), as well as from the Representative for Children and Youth.

A summary of the recommendations, as well as the government's responses and Members queries, is provided below.

Summary of Recommendations

Recommendation 1 – tracking and planning educational progress of children in care

The report's first recommendation proposed that MCFD and the MoE work together to identify and track the aggregated education performance of children in care by fall 2007 and begin preparing reports on the education outcomes of children in care by the fall of 2008.

The ADM of the MCFD informed the Committee that the stated targets were likely too ambitious, but that the recommendation can be implemented for children in continuing care by the end of the calendar year. The deputy minister of the Ministry of Education concurred; however, he identified student privacy concerns as a potential sticking point. This witness also informed the Committee that recent legislative changes expanding the usage of personal education numbers will allow for more complete tracking and analysis of educational progress at the provincial level.

Recommendation 2 – implementing the Early Development Instrument (EDI)

The deputy minister of the MoE informed the Committee that the ministry has been impressed with the usefulness of the EDI, and agrees with the Representative's recommendation to implement its use for all children at school entry. The ministry is now working with other ministries to examine the feasibility of using the EDI on a yearly basis.

Recommendation 3 – assessments for all children on reading, writing, and numeracy skills

Responding to the report's third recommendation — assessing all children on reading, writing and numeracy skills through the Foundation Skills Assessment (FSA) — the deputy minister of MoE confirmed that it is the intention and expectation of the Ministry that all students participate in the foundation skills assessment (FSA) and that it intends to hold school boards accountable for the implementation of this recommendation. The Ministry will continue to examine ways to better administer the FSAs and is considering sending the results directly to parents.

Some committee members inquired about the participation rates for the assessments, including how the decision is made to exclude students and the range of participation rates. The witness explained that participation in the assessments is required by law, barring language or disability barriers of individual students. The Committee heard that general participation rates are close to 90 percent, but that it was the Deputy Minister's belief that participation rates for children in care would likely be much lower.

The Representative for Children and Youth confirmed the participation rate in the grade 4 FSAs for children in care dropped from 75 percent to 68 percent between 1999 and 2005, and that there are indications that vulnerable children are not participating in the assessment process.

Recommendation 4 – adequacy and effectiveness of resources for special needs of children in care

The ADM from the MCFD informed the Committee that the ministry is looking forward to further dialogue with the Office of the Representative for Children and Youth and the Ministry of Education regarding the Representative's recommendation for children in care with special needs.

The MoE witness added that some inter-ministry discussions regarding development of a common framework for serving children with special needs have taken place to ensure that the required services are available for children in care and that such services are delivered in an effective manner.

Recommendation 5 – reducing school moves for children in care

In response to the fifth recommendation — reducing school moves for children in care and, when school moves cannot be avoided, for sharing information and mitigating the impacts of moves — the Committee was informed that the government only receives enrolment data twice a year, and is not in a position to track individual moves. Given this information, Members inquired as to whether the ministries are capable of implementing the recommendation.

The witness from MoE suggested that it is the social workers who track this information, and that the ministry will reinforce with schools that this needs to be shared with teachers. The representative from MCFD agreed, and committed to encourage discussions between his ministry's staff and local school officials to share this information.

The Representative for Children and Youth concurred that the recommendation cannot be implemented immediately, but suggested that ministries can facilitate its implementation at the ministerial level, not just at the local level, as this information will inform education plans. The ADM from the Ministry of Children and Family Development noted in response that the information was already available could be aggregated to inform policies such as education plans.

Recommendation 6 – jointly develop education plans for every child in care, with regular reviews

Turning to recommendation six — developing and reviewing education plans for children in care — the ADM of the MCFD explained to the Committee that children in care for longer than two months have comprehensive care plans that include education, and that schools also have education plans for children. These separate processes could be coordinated.

The Representative confirmed that educational plans are not integrated at present and that this recommendation will be a challenge. However, she noted the importance of planning based on the best interests of the child, and that this will require clear responsibilities, deliverables, monitoring and sharing information.

Recommendation 7 – addressing the educational needs of Aboriginal children in care

In response to the report's seventh recommendation, the Ministry of Education witness informed the Committee that the ministry disaggregates information on the educational outcomes of Aboriginal children — initially on request of Aboriginal communities — in order to compare their educational achievement. The Committee heard that the education ministry is working to increase this achievement, and has set the goal of having enhancement agreements for every school district.

The Deputy Minister, though, disagreed with the report's recommendation for separate targets for Aboriginal children and youth, stating that the expectations for all students should be the same. Members asked the witness about goals set for improvements to educational outcomes, and the ministry's capacity to measure outcomes, specifically for Aboriginal children in care. The witness confirmed that the ministry will set targets, and that they will not be 'watered-down'. He also informed the Committee that the ministry releases the *How Are We Doing?* reports on Aboriginal students annually, and that further discussions will take place with the Ministry of Children and Family Development regarding children in care.

Recommendation 8 – continuing educational support for youth leaving care

The ADM of MAVED responded to the eighth recommendation. He informed the Committee that the MCFD currently funds the Youth Education Assistance (YEA) program for youth formerly in care, but that the program is currently underutilized. He confirmed that his ministry can work to raise awareness about the program, and also expressed support for the Provincial Health Officer's suggestion at the June 14, 2007 committee meeting that pilot projects be implemented to increase the transition into post-secondary education for youth in care.

Members received clarification from the witness regarding the specifics of the YEA program, including the number of applicants, eligibility, and support for trades programs. The witness was also queried about alternative education approaches, including adult basic education and distributed learning programs, suggesting that they could provide more flexible ways for youth formerly in care to continue their education.

The Representative also noted that in addition to potential financial disincentives, there are significant other issues concerning the low enrolment in the YEA program, and that post-secondary institutions have a responsibility to engage this group of students. For example, youth who could benefit from the YEA program may be parents, and may also need housing and early childhood development supports. She suggested to Members that pilot programs be developed to deal with such issues.

Recommendation 9 – pilot programs to improve educational outcomes of vulnerable children

In response to the ninth recommendation of the joint special report, the deputy minister from the Ministry of Education discussed programs currently in place, emphasizing the StrongStartBC program and alternative learning sites.

COMMITTEE RECOMMENDATION

- **June 28, 2007: The Select Standing Committee on Children and Youth endorsed the nine recommendations put forward in the *Joint Special Report: Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes*, and recommends the same to the Legislative Assembly.**

2007 Progress Report on the Implementation of the Hughes Review Recommendations

During the third session, the Committee was briefed on the status of the Hughes Review recommendations prior to receiving the Representative's *2007 Progress Report* November 26, 2007. These briefings took place on June 14, 2007 with the Representative for Children and Youth, and June 28, 2007 with the assistant deputy minister - integrated policy and legislation team of the Ministry of Children and Family Development.

Background

On June 28, 2007, the ADM of MCFD and the Representative for Children and Youth appeared before the Committee to review the status of the 62 recommendations contained in the Hughes review. Referring to a MCFD document entitled "Final Report of the Transition Steering Committee on the Implementation of the Recommendations from the BC Children and Youth Review," the ADM informed Members that there is a mix of recommendations that were now complete and those that continue to be in progress. Of the 45 recommendations directed toward the Ministry of Children and Family Development, the ADM stated that 20 to 22 were in progress.

The Assistant Deputy Minister also informed the Committee that for many areas, work will be ongoing, for example, quality assurance and information sharing. The Ministry had undertaken "a fair amount of work" — specifically on decentralization initiatives and the recruitment of staff from Aboriginal communities per the recommendations contained in the Hughes review.

The Representative for Children and Youth then responded to MCFD's update on the Hughes review. Recalling statements made during the June 14, 2007 committee meeting, she informed Members that her Office were not able to sufficiently verify the completion of 17 recommendations reported as being complete by MCFD.

The Representative then informed the Committee that her Office was attempting to establish a "joint reporting framework" with MCFD to confirm the status of all recommendation contained in the Hughes review prior to the release of her progress report. Such a framework, she noted, would also be useful for the remaining on-going and in-progress recommendations.

Report

On November 26, 2007, the Representative for Children and Youth tabled with the Committee her Office's *2007 Progress Report on the Implementation of the Hughes Review Recommendations.*

In her introductory remarks, the Representative indicated that Mr. Hughes had called for close monitoring of progress made on his recommendations when he released his report on the child welfare system, and that her progress report assesses what activity has been undertaken toward implementing each recommendation.

The Committee heard that outside of the recommendations put forward by Mr. Hughes, "there have been system-wide efforts to support vulnerable children and families that may have a positive impact on children in care;" however, the Representative was concerned about "the lack of sustained action on the agenda Mr. Hughes set out." The Representative indicated to Members that there had been an implied commitment by the Ministry of Children and Family Development to jointly engage in reviewing the Hughes recommendations. However, the report, as drafted, is solely the work of the Representative's office.

The Representative's *Progress Report* states that of the 62 Hughes recommendations:

- 18 recommendations are complete, fully operational, or substantially implemented;
- Implementation or planning is underway for 19 recommendations; and
- 25 recommendations have limited or no progress, or information provided was insufficient.

The Representative explained that the *Progress Report* was organized by key themes of pressing importance, including: Aboriginal children; complaint resolution processes; internal child critical injury and death reviews; information-sharing; and data-linking. The Representative also noted that while MCFD had provided her with its Good Practice Action Plan — a document which was taken into account when assessing the progress on the Hughes recommendations — she observed that the Plan was pitched "at a very high level of generality".

The *Progress Report* contains two recommendations for future action:

- That Government clarify the connection between the MCFD draft *Good Practice Action Plan*, and the commitment to the full implementation of the Hughes Review; and
- That Government reiterate publicly its continuing support for the recommendations of the Hughes Review, and that the Minister of Children and Family Development work with greater urgency to implement the Hughes recommendations that need and deserve priority attention by his officials.

Government's Response

At the November 26, 2007 meeting, the Chair tabled a letter from the Minister of Children and Family Development requesting additional time to respond to the Representative's *Progress Report.* Based on the content of the Minister's letter, Members approved a motion, on division, to invite both the Ministry and the Representative for Children and Youth to appear to discuss issues pertaining to communications, information-sharing, and transparency between the two organizations.

Subsequently at the December 11, 2007 meeting, the Chair tabled additional correspondence from the Minister of Children and Family Development indicating "constructive" meetings between the Ministry and the Representative had occurred concerning the implementation of the Hughes review recommendations. The Representative confirmed that such discussions had occurred and that she was satisfied that there "has been a strong affirmation" in ensuring implementation of the recommendations.

Committee Decision

- **November 26, 2007: The Ministry of Children and Family Development be invited to appear before the Committee and that the Representative return regarding the Representative's *2007 Progress Report.***

SUMMARY OF COMMITTEE RECOMMENDATIONS AND DECISIONS

COMMITTEE RECOMMENDATIONS

- June 28, 2007: The Select Standing Committee on Children and Youth endorsed the nine recommendations put forward in the *Joint Special Report: Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes*, and recommends the same to the Legislative Assembly.
- November 26, 2007: The Committee approved the *2007/08-2009/10 Service Plan* of the Office of the Representative for Children and Youth, and recommends the same to the Legislative Assembly.

COMMITTEE DECISIONS

- April 26, 2007: Pursuant to its Terms of Reference, the Select Standing Committee on Children and Youth referred to the Representative for investigation the death of children in the following cases: Amanda Simpson, death occurred 1999, Savannah Hall, death occurred 2001, Rowen Von Niederhausern, death occurred 2002 and Case #4.
- June 14, 2007: Pursuant to its Terms of Reference, the Select Standing Committee on Children and Youth referred to the Representative for investigation the critical injury of the child known as Baby Cody.
- November 26, 2007: The Ministry of Children and Family Development be invited to appear before the Committee and that the Representative return regarding the Representative's *2007 Progress Report.*
- December 11, 2007: The Subcommittee on Child Deaths be comprised of the Chair (R. Cantelon); Deputy Chair (L. Krog); D. MacKay and M. Karagianis.
- December 11, 2007: Pursuant to its Terms of Reference, the Select Standing Committee on Children and Youth referred to the Representative for Children and Youth for investigation the deaths of children in the following eight cases: H.L., T.S., J.T., G.S., S.J., I.T., D.C. and B.F.

SELECTED DOCUMENTS DISTRIBUTED

Second Session, Thirty-eighth Parliament

July 5, 2006 meeting: Committee organization; B.C. Children and Youth Review briefing

- Report: Hon. Ted Hughes, (2006), *BC Children and Youth Review: An Independent Review of BC's Child Protection System.*

October 24, 2006 meeting: Business meeting

- No documents distributed.

Third Session, Thirty-eight Parliament

March 6, 2007 meeting: Representative for Children and Youth briefing

- No documents distributed.

April 26, 2007 meeting: Child death and critical injury referrals

- Correspondence from the Representative for Children and Youth to the Select Standing Committee on Children and Youth, April 2, 2007.
- Correspondence from the Select Standing Committee on Children and Youth to the Representative for Children and Youth, April 12, 2007.
- Select Standing Committee on Children and Youth, Meeting backgrounder.
- Correspondence from the Federation of Child and Family Services of BC to the Select Standing Committee on Children and Youth, April 12, 2007.

June 14, 2007 meeting: Review of the *Joint Special Report — Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes*

- Correspondence from the Representative for Children and Youth to the Select Standing Committee on Children and Youth, May 14, 2007. (Appointment of Deputy Representatives).
- Representative for Children and Youth and the Office of the Provincial Health Officer, (2007), *Health and Well-being of Children in Care in British Columbia: Educational Experience and Outcomes*, (Victoria: Representative for Children and Youth).
- Representative for Children and Youth, *Health and Well-Being of Children in Care in British Columbia*, Presentation to the Select Standing Committee on Children and Youth.
- Child and Youth Officer and the Office of the Provincial Health Officer, (2006), *Executive Summary: Health and Well-Being of Children in Care in British Columbia: Report 1 on Health Services Utilization and Mortality*, (Victoria: Child and Youth Officer).
- Correspondence from David Loukidelis, Information and Privacy Commissioner for British Columbia to the Representative for Children and Youth, June 8, 2007 (Education outcomes recommendations).

June 28, 2007 meeting: Government's response to the *Joint Special Report — Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes*

- Correspondence from the Select Standing Committee on Children and Youth to Lesley du Toit, Deputy Minister, Ministry of Children and Family Development; Dr. Emery Dosdall, Deputy Minister, Ministry of Education; Dr. Moura Quayle, Deputy Minister, Ministry of Advanced Education; Cairine MacDonald, Deputy Minister, Ministry of Employment and Income Assistance; Gordon Macatee, Deputy Minister, Ministry of Health, June 19, 2007 (Letters of Invitation).
- Ministry of Children and Family Development, Presentation to the Select Standing Committee on Children and Youth.
- Ministry of Children and Family Development, *Final Report of the Transition Steering Committee on the Implementation of the Recommendations from the BC Children and Youth Review.*
- Ministry of Children and Family Development, *Status of Hughes Recommendations.*
- Ministry of Employment and Income Assistance, *Child in the Home of a Relative*, Presentation and briefing materials to the Select Standing Committee on Children and Youth.

Follow-up material

- Correspondence from the Select Standing Committee on Children and Youth to Mark Sieben, Assistant Deputy Minister, Ministry of Children and Family Development. (Follow-up responses requested).
- Correspondence from Ministry of Children and Family Development, Decision Support Branch, to the Select Standing Committee on Children and Youth, August 8, 2007.

September 4, 2007 meeting: Ministry of Children and Family Development briefing

- Correspondence from the Select Standing Committee on Children and Youth to Lesley du Toit, Deputy Minister, Ministry of Children and Family Development, July 4, 2007.
- Ministry of Children and Family Development, Presentation to the Select Standing Committee on Children and Youth.
- Ministry of Children and Family Development, *MCFD Good Practice Action Plan (Final Draft-July 3, 2007).*
- Supreme Court of Canada Decision, Syl Apps Secure Treatment Centre *v* B.D., 2007SCC38. (Provided by the Representative for Children and Youth for information).

November 21, 2007 meeting: Committee organization

- No documents distributed.

November 26, 2007 meeting: Representative for Children and Youth: *2008/09-2010/11 Service Plan* and the *2007 Progress Report on Implementation of the Hughes Review Recommendations*

- Representative for Children and Youth, (2007), *2008/09-2010/11 Service Plan*, (Victoria: Representative for Children and Youth).
- Representative for Children and Youth, (2007), *2007 Progress Report on Implementation of the Hughes Review Recommendations*, (Victoria: Representative for Children and Youth).

- Correspondence from Hon. Tom Christensen, Minister of Children and Family Development to the Select Standing Committee on Children and Youth, November 26, 2007 (Minister's response to the Representative's report).

December 11, 2007 meeting: Update on child critical injuries and death reviews; referrals of historic child deaths

- Correspondence from the Representative for Children and Youth to the Select Standing Committee on Children and Youth, November 29, 2007.
- Correspondence from the Mary Ellen Turpel-Lafond, Representative for Children and Youth, to Hon. Tom Christensen, Minister for Children and Family Development, December 4, 2007.
- Correspondence from Hon. Tom Christensen, Minister of Children and Family Development to the Select Standing Committee on Children and Youth, December 7, 2007.
- Correspondence from Nicholas Simons, MLA to the Select Standing Committee on Children and Youth, December 10, 2007, (Notice of Motion).
- Representative for Children and Youth, *Critical Injuries and Deaths: Reviews and Investigations* (Update #1), November 7, 2007.
- Representative for Children and Youth, Briefing note.